

**CITY OF FISHERS  
ADVISORY PLAN COMMISSION MINUTES  
CITY HALL AUDITORIUM  
May 4, 2022**

**The meeting of the Advisory Plan Commission convened at 6:00 p.m.**

**Mr. Stevenson confirmed quorum and called the meeting to order.**

A roll call was taken and those members present were: Rick Fain, Pete Peterson, Bill Stuart, Kim Logan, Selina Stoller, Steve Richards, Bruce Molter, Dawn Lang, Howard Stevenson

Absent: Todd Zimmerman

Others present: Rodney Retzner, Megan Vukusich, Kay Prange, Tracy Gaynor, Steven Earnhart, Kelly Baumgartner

**Mr. Stevenson asked for a Motion to approve the Minutes from the 4-13-22 meeting. Mr. Peterson made a Motion to approve, seconded by Mr. Stuart. The Minutes were approved, 8-0-1. Mr. Stevenson abstained as he was not present at the April meeting.**

**Public Hearings:**

- a. **SP-1711-64** – The City of Fishers requests to VOID Persimmon Woods at Hamilton Proper Section 2 Secondary Plat. The recorded secondary plat was mistakenly approved with improper access to the property, Hamilton County Recorder IN Instrument Number 2018002597.

Megan Vukusich, Director of Planning and Zoning, presented the request to VOID the Persimmon Woods Section 2 Secondary Plat.

1. Rights of access from Persimmon Woods at Hamilton Proper Subdivision, Section 2 to Three Hundred Yard Drive, which were the basis for requiring the five-foot non-access easement along Hawthorn Ridge, did not exist at the time of secondary plat approval and do not exist today.
2. The absence of rights of legal access to Three Hundred Yard Drive combined with the five-foot non-access easement along Hawthorn Ridge, prevents all legal means of vehicular access to Persimmon Woods at Hamilton Proper Subdivision, Section 2 effectively rendering the real estate landlocked.
3. If the absence of access rights to Three Hundred Yard Drive had been common knowledge and on record at the time of secondary approval, a non-access easement along Hawthorn Ridge would not have been required to be depicted on the secondary plat for Persimmon Woods at Hamilton Proper Subdivision, Section 2.
4. The approval of the secondary plat for Persimmon Woods at Hamilton Proper Subdivision, Section 2 was based, in part, on erroneous information.

**Mr. Stevenson opened the Public Hearing.**

Steven Earhart, of Thrasher Buschmann & Voelkel, P.C., representing the Hamilton Proper HOA, was present. Kelly Baumgartner (10905 300 Yard Dr.) was also present representing Persimmon Woods. It is her understanding that the owner is not interested in providing access.

**Mr. Stevenson then closed the Public Hearing.**

**Mr. Stevenson asked for a Motion. Mr. Peterson made a motion to send a favorable recommendation to VOID the Persimmon Woods at Hamilton Proper, Section 2 Secondary Plat to City Council, seconded by Mr. Stuart. The Motion was approved, 9-0. A Resolution (PCR 01R050422) was circulated to the members for signature.**

b. **TA-22-1** - Consideration of a Text Amendment to various sections of the Unified Development Ordinance (UDO).

Megan Vukusich presented the Text Amendment draft. The City requests that various changes be made to the UDO including sign variance criteria and general clean-up items. One Public Comment was received asking for some additional text which is not needed. The wording is good as proposed. Staff recommends approval.

**Mr. Stevenson opened the Public Hearing. Seeing no one from the Public present to speak, he closed the Public Hearing. In Committee discussion, Mr. Stevenson asked if this is consistent with the recent USSC case. It was confirmed.**

**Mr. Stevenson asked for a Motion. Mr. Peterson made a motion to send a favorable recommendation to City Council, seconded by Mr. Stuart. The Motion was approved, 9-0.**

**Old Business - None**

**In Staff Communication, Ms. Vukusich gave a summary of Council action.  
The Meeting was adjourned at 6:10 p.m.**

Respectfully Submitted by:

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Kay Prange, Recording Secretary